

ORIGINAL

PROB. 12B
(7/93)

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

United States District Court

for the

DISTRICT OF HAWAII

MAY 09 2007 *AG*
at 2 o'clock and 45 min P M
SUE BEITIA, CLERK

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**

(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: FABRENE KALILI

Case Number: CR 03-00048DAE-02

Name of Sentencing Judicial Officer: The Honorable David Alan Ezra
U.S. District Judge

Date of Original Sentence: 2/28/2005

Original Offense: Count 1: Importation in Excess of 500 Grams of Cocaine,
a Class B felony

Count 2: Attempt to Possess With Intent to Distribute in Excess
of 500 Grams of Cocaine, a Class B felony

Original Sentence: Eleven (11) months imprisonment as to Counts 1 and 2 of the
Indictment, with all such term to run concurrently and four (4) years
supervised release as to Counts 1 and 2 of the Indictment, with all
such terms to run concurrently with the following special conditions:
1) Defendant shall participate in a substance abuse program, which
must include drug testing for the first 3 years of supervision. If
defendant tests are negative, the 4th year of drug testing may be
cancelled at the discretion and direction of the Probation Office;
2) Defendant shall provide the Probation Office access to any
requested financial information; 3) Defendant shall be employed
full-time, attend school full-time, or work part-time and attend
school part-time; and 4) Defendant shall have no contact with
co-defendants.

Type of Supervision: Supervised Release Date Supervision Commenced: 2/24/2006

PETITIONING THE COURT

[X] To modify the conditions of supervision as follows:

General Condition: *That the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of commencement of supervision and at least two drug tests thereafter but no more than eight valid drug tests per month during the term of supervision.*

CAUSE

We have determined that as a result of U.S. vs. Stephens ruling, it is necessary to modify the General Condition for mandatory drug testing to include the collection of no more than eight valid drug tests per month. The modification is necessary so that the Probation Office could continue to conduct random drug testing following the offender's completion of substance abuse treatment. Given the established relationship between substance abuse and criminal activity, controlling strategies to detect substance abuse and prompt intervention need to be continued following successful transition from the offender's treatment program. Drug testing is the most reliable method for monitoring drug use.

The offender's adjustment on supervision appears to be stable. She has maintained full-time employment and lives in a stable residence.

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Attached is a signed Waiver of Hearing to Modify Conditions of Supervised Release. The subject waives her right to a hearing and to assistance of counsel. The subject agrees to the modification of the conditions of supervised release. The subject's attorney and the U.S. Attorney's Office have been notified of the proposed modification and have no objections to the modification.

Respectfully submitted by,



MERILEE N. LAU
U.S. Probation Officer

Approved by:

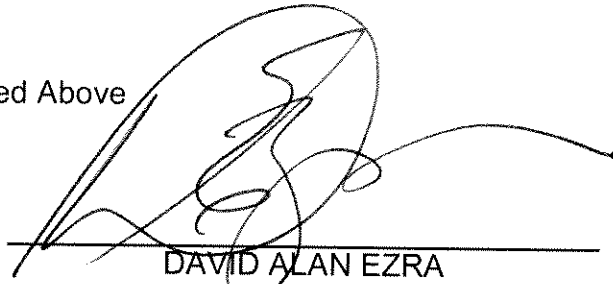


GENE DeMELLO, JR.
Supervising U.S. Probation Officer

Date: 5/3/2007

THE COURT ORDERS:

- ☒ The Modification of Conditions as Noted Above
☐ Other



DAVID ALAN EZRA
U.S. District Judge

5/4/07

Date

PROB 49
(5/96)

United States District Court

District of Hawaii

Waiver of Hearing to Modify Conditions of Probation/Supervised Release and/or Extend Term of Supervision

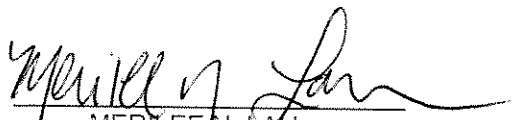
I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release and/or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release and/or to the proposed extension of my term of supervision:

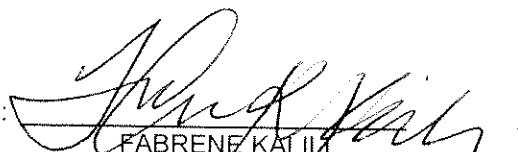
[X] To modify the conditions of supervision as follows:

General Condition: That the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of commencement of supervision and at least two drug tests thereafter but no more than eight valid drug tests per month during the term of supervision.

Witness:


MERILEEN N. LAU
U.S. Probation Officer

Signed:


FABRENE KALILI
Supervised Releasee

5-1-07
Date